



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

MONIQUE SYKES et al., :

Plaintiffs, :

- against - :

ORDER

MEL HARRIS AND ASSOCIATES, LLC, :
et al., :

Defendants. :

- - - - -x

CHIN, Circuit Judge

The parties have submitted proposed class certification orders. The Court has reviewed them and will enter plaintiffs' proposed order.

First, the Court disagrees with defendants' view that the class certification order must include language prohibiting plaintiffs from asserting claims to recover money collected or paid out pursuant to any state-court default judgment. The class certification order does not purport to address the damages, if any, that may be awarded under the statutes invoked in this action. That is an issue that can be addressed later in the proceedings, if necessary.

Second, defendants rely on the Rooker-Feldman doctrine to argue that this Court lacks subject matter jurisdiction to

review and overturn any state-court judgment. As this Court has already held in its opinion entered December 29, 2010, the Rooker-Feldman doctrine does not apply here because plaintiffs assert claims independent of state-court judgments. Sykes v. Mel S. Harris & Assocs., LLC, 757 F. Supp. 2d 413, 429 (S.D.N.Y. 2010). This Court has subject matter jurisdiction to hear claims independent of state-court judgments, even if those claims purportedly are contrary to a legal conclusion that a state court has reached. See Hoblock v. Albany Cnty. Bd. of Elections, 442 F.3d 77, 86 (2d Cir. 2005) (citing Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 293 (2005)).

Third, the Court sees no material difference between plaintiffs' use of the phrase "assert claims" and defendants' use of the words "asserting violations."

Finally, the Court rejects defendants' argument that plaintiffs lack standing for the same reasons set forth in its opinions entered December 29, 2010 and September 4, 2012. See Sykes, 757 F. Supp. 2d at 427-48; see generally Sykes v. Mel S. Harris & Assocs., LLC, 285 F.R.D. 279 (S.D.N.Y. 2012).

The Court will enter plaintiffs' proposed class certification order.

SO ORDERED.

Dated: New York, New York
March 27, 2013



DENNY CHIN
United States Circuit Judge
Sitting by Designation